

ASSEMBLY BILL

No. 1814

Introduced by Assembly Members DeVore and Cook

January 17, 2008

An act to amend Section 699.5 of, and to add Section 699.6 to, the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

AB 1814, as introduced, DeVore. Veterans: claims.

Existing law authorizes the Department of Veterans Affairs to assist every veteran of the United States and the dependent or survivor of every veteran in presenting and pursuing various claims against the United States arising out of war service, and in establishing any rights under the laws of the United States or this state. Existing law authorizes the department to cooperate and, with the approval of the Department of Finance, to contract with any veteran service organization, as defined, to pursue claims before federal agencies, and, pursuant to the contract, the department is authorized to compensate any veteran service organization for services rendered by it to any veteran or dependent or survivor of a veteran.

The bill would authorize the department to compensate any veteran service organization for services rendered that provide for the development of outreach programs for any veteran or dependent or survivor of a veteran that enhance their opportunity to present and pursue claims. The bill would also require the department to annually prepare a report containing specified information regarding the activities of veteran service organizations that have entered into contracts with the department.

Existing law prohibits a contract from being made unless the department determines that certain conditions exist, including that the best interest of the veterans, dependents, or survivors involved will be served.

This bill would delete this prohibition.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 699.5 of the Military and Veterans Code
2 is amended to read:

3 699.5. (a) The department may assist every veteran of the
4 United States and the dependent or survivor of every veteran of
5 the United States in presenting and pursuing the claim as the
6 veteran, dependent, or survivor may have against the United States
7 arising out of war service and in establishing the veteran's,
8 dependent's, or survivor's right to any privilege, preference, care,
9 or compensation provided for by the laws of the United States or
10 of this state. The department may cooperate and, with the approval
11 of the Department of Finance, contract with any veterans service
12 organization, and pursuant to the contract may compensate the
13 organization for services *that support the functions of the*
14 *department* within the scope of this section, *are* rendered by it to
15 any veteran or dependent or survivor of a veteran. ~~The contract~~
16 ~~shall not be made unless the department determines that, owing~~
17 ~~to the confidential relationships involved and the necessity of~~
18 ~~operating through agencies that the veterans, dependents, or~~
19 ~~survivors involved will fail to be sympathetic towards their~~
20 ~~problems, the services cannot satisfactorily be rendered otherwise~~
21 ~~than through the agency of the veterans organization and that the~~
22 ~~best interests of the veterans, dependents, or survivors involved~~
23 ~~will be served if the contract is made, and that provide for the~~
24 ~~development of outreach programs for any veteran or dependent~~
25 ~~or survivor of a veteran that enhance their opportunity to present~~
26 ~~and pursue claims.~~

27 (b) ~~(1)~~ The Legislature finds and declares that services provided
28 by veteran service organizations ~~play an important role in~~ *are*
29 *essential to* the department's responsibilities to assist veterans and
30 their dependents and survivors in presenting and pursuing claims

1 against the United States, and that it is an efficient and reasonable
2 use of state funds to provide compensation to veterans service
3 organizations for these services.

4 ~~(2) The Legislature further finds and declares that paragraph~~
5 ~~(1) of this subdivision shall not be implemented by using the~~
6 ~~General Fund until an increase in the annual budget for county~~
7 ~~veteran services officers, described in paragraph (2) of subdivision~~
8 ~~(d) of Section 972.1, has been achieved. This subdivision may not~~
9 ~~be construed to preclude the use of federal funding in implementing~~
10 ~~these provisions.~~

11 (c) Veterans service organizations, that elect to contract with
12 the department in accordance with this section, shall document the
13 claims processed each year by the veterans service officers
14 employed by the veterans service organization at offices located
15 in California. The documentation shall be in accordance with
16 procedures established by the department.

17 (d) The department shall determine annually the amount of
18 monetary benefits paid to eligible veterans and their dependents
19 and survivors in the state as a result of the work of the veterans
20 service officers of the contracting organizations. Beginning on
21 January 1, 2006, the department shall, on or before January 1 of
22 each year, prepare and transmit its determination for the preceding
23 fiscal year to the Department of Finance and the Legislature. The
24 department shall also identify federal sources to support the efforts
25 of veterans service organizations pursuant to this section. The
26 Department of Finance shall review the department's determination
27 in time to use the information in the annual Budget Act for the
28 budget of the department for the next fiscal year.

29 (e) For the purposes of this section:

30 (1) "Survivor" means any relation of a deceased veteran who
31 may be entitled to make a claim for any privilege, preference, care,
32 or compensation under the laws of the United States or this state
33 based upon the veteran's war service.

34 (2) "Veterans service officer" means an individual employed
35 by a veterans service organization and accredited by the United
36 States Department of Veterans Affairs to process and adjudicate
37 claims and other benefits for veterans and their dependents and
38 survivors.

39 (3) "Veterans service organization" means an organization that
40 meets all of the following criteria:

1 (A) Is formed by and for United States military veterans.

2 (B) Is chartered by the United States Congress.

3 (C) Has regularly maintained an established committee or
4 agency in a regional office of the United States Department of
5 Veterans Affairs in California rendering services to veterans and
6 their dependents and survivors.

7 SEC. 2. Section 699.6 is added to the Military and Veterans
8 Code, to read:

9 699.6. (a) The Department of Veterans Affairs shall annually
10 prepare a report regarding the activities of veteran service
11 organizations that have entered into contracts with the department
12 pursuant to Section 699.5, and may require each veteran service
13 organization to submit information required to prepare the report.
14 The report shall include, but not be limited to, all of the following:

15 (1) The number of monthly federal benefit payments obtained
16 on behalf of veterans.

17 (2) The total value of those monthly benefit payments.

18 (3) The average value of those monthly benefit payments.

19 (4) The number of one-time benefit payments obtained,
20 including both single-payment benefits and retroactive payments.

21 (5) The total value of one-time benefit payments obtained.

22 (6) The average value of these one-time benefit payments
23 obtained.

24 (b) The information required to be included in paragraphs (1)
25 to (6), inclusive, of subdivision (a) shall be set forth for each
26 veteran service organization together with a statewide total.

27 (c) The department shall transmit a copy of this report, at the
28 same time the department transmits the report required pursuant
29 to Section 974, to the Department of Finance, the State Department
30 of Health Care Services, the California Veterans Board, and to
31 each Member of the Legislature.

32 (d) For purposes of this section, “veteran service organization”
33 means veteran service organization as defined in Section 699.5.